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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/026,080 02/19/98 HEMBREE

D MI0-020-IA

EXAMINER

MMC2/1122

KILLWORTH GOTTMAN HAGAN & SCHAEFF  
ONE DAYTON CENTRE  
ONE SOUTH MAIN STREET SUITE 500  
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POTTER, R  
ART UNIT PAPER NUMBER

2822  
DATE MAILED:

11/22/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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# Office Action Summary

Application No.

09/026,080

Applicant(s)

Hembree et al.

Examiner

Roy Potter

Group Art Unit

2822



☒ Responsive to communication(s) filed on Aug 29, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1, 3-6, and 9-24 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 1, 3-6, and 9-20 is/are allowed.

☒ Claim(s) 21-24 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

*Roy Potter*  
Roy Potter  
Primary Examiner  
Technology Center 2800

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 recites the limitation "said first elastic member" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21 - 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Ozmat.

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Ozmat, U.S. Patent 5,402,004 discloses a system for dissipating heat from semiconductor chips. A metal matrix composite of a thermally conductive material, preferably aluminum or copper having layers of uniformly spaced fibers of carbon embedded therein. The composite could have inherent spring element properties.

### ***Response to Arguments***

Applicant's arguments with respect to claims 21-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

Claims 1, 3-6, 9-20 are allowed.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Layton et al., U.S. Patent no. 5,459,352 discloses an integrated circuit package having a liquid metal aluminum/copper joint. As shown in Figure 3, heat conductive member 15 comprises a porous spongy body.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roy Potter whose telephone number is (703) 308 - 4106.

A handwritten signature in black ink, appearing to read 'Roy Potter', with a stylized, cursive script.

**Roy Potter**  
**Patent Examiner**  
**Technology Center 2800**

Potter  
November 20, 2000